

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
HAMEED A. KHAN, M.D.)	No. D-3957
Physician's and Surgeon's)	
Certificate No. A-031453,)	L-47289
)	
Approval as a Supervisor of)	
Physician Assistant No. SA 013129,)	
)	
Respondent.)	
)	

DECISION

The Division of Medical Quality non-adopted the Proposed Decision in this case and proceeded to decide the case itself upon the record, including the transcript. The parties were afforded the opportunity to present both written and oral argument before the Division itself.

Having reviewed the entire matter, the Division now makes this decision:

The Division adopts the attached Proposed Decision of the Medical Quality Review Committee Panel as its decision in this case, except for these changes as follows:

1. Determination of Issues, page 4, paragraph III.
Strike Section 2265 on line 3 and insert 2264.
2. Penalty order is amended as follows:
 - a) The period of probation is increased from three (3) years to five (5) years.
 - b) Probation condition 9 is added:

"Within 60 days of the effective date of this decision, respondent shall take and pass an oral or written exam, in a subject to be designated and administered by the Division or its designee. If respondent fails this examination, respondent must take and pass a re-examination consisting of a written as well as an oral examination. The waiting period between repeat examinations shall be at three month intervals until success is achieved. The Division shall pay the cost of the first

examination and respondent shall pay the cost of any subsequent re-examinations."

"If respondent fails the first examination, respondent shall cease the practice of medicine until the re-examination has been successfully passed, as evidenced by written notice to respondent from the Division. Failure to pass the required examination no later than 100 days prior to the termination date of probation shall constitute a violation of probation."

All other terms and conditions of the penalty order in the Proposed Decision remain the same.

This decision shall become effective on June 30, 1991

So ordered May 31, 1991.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By Theresa L. Claassen

THERESA L. CLAASSEN
Secretary/Treasurer
Division of Medical Quality

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In the Matter of the Accusation)	
Against:)	
)	NO. D-3957
HAMEED A. KHAN, M.D.)	
3500 West Lomita Blvd., #101)	L-47289
Torrance, California 90505)	
Physician's and Surgeon's)	
Certificate No. A0 31453,)	
)	
Approval as a Supervisor of)	
Physician Assistant No. SA 013129,)	
)	
Respondent.)	
)	

PROPOSED DECISION

This matter came on regularly to be heard before a Panel of the Eleventh District Medical Quality Review Committee at Long Beach, California on July 11, 12, and 13, 1990. A quorum of the panel was present. Paul M. Hogan, Administrative Law Judge of the Office of Administrative Hearings, presided on the the hearing, but took no part in the deliberations of the panel.

Complainant was represented by Stephen A. Mills, Deputy Attorney General. Respondent appeared personally and was represented by Dale L. Grimm, Attorney at Law,

Evidence, both oral and documentary, was presented, and the matter was submitted for decision. The panel now makes its findings of fact, determinations of issues, and renders it proposed order as follows:

I

Complainant, Kenneth J. Wagstaff, as Executive Director of the Board of Medical Quality Assurance, Department of Consumer Affairs, State of California, filed the Accusation herein solely in his official capacity and not otherwise. The Board of Medical Quality Assurance of the State of California is the predecessor agency to the Medical Board of California, both entities being charged with the administration and enforcement of the Medical Practice Act of the State of California.

II

On August 22, 1977 physician's and surgeon's certificate No. A031453 was issued to Hameed A. Khan, M.D., respondent. Said certificate was in full force and effect at all times herein mentioned. On September 28, 1982, said respondent was issued approval supervisor of physician assistant No. FA013129.

III

At all times herein mentioned, respondent employed one W [REDACTED] J. M [REDACTED] to perform work in his medical offices more particularly described below. At all times mentioned herein, said W [REDACTED] J. M [REDACTED] held no license as a physician and surgeon, osteopath, registered nurse, or physician's assistant.

IV

At all times herein mentioned respondent's sister, A [REDACTED] A. K [REDACTED] was not licensed to practice medicine in the State of California, although in fact said A [REDACTED] A. K [REDACTED] possessed an academic degree as a medical doctor issued by the University of Pakistan, but lacked the necessary residence experience which would have enabled her to make successful application for issuance of a California physician's and surgeon's certificate. In sum, although educated and trained, A [REDACTED] A. K [REDACTED] was unlicensed to practice medicine in the State of California.

V

Between September 14, 1985 and July 8, 1986, the door to respondent's office, Suite 101, 3500 West Lomita Boulevard, Torrance, California, listed and advertised "A [REDACTED] A. K [REDACTED], M.D." as a medical doctor, and listed and advertised "W [REDACTED] J. M [REDACTED], P.A.- C. as a physician's assistant certified. This advertising was false and misleading in that A [REDACTED] A. K [REDACTED] was not then licensed as a medical doctor entitled to practice medicine in the State of California, and William J. Mar was not a certified physician's assistant.

VI

From September 4, 1985, through and including July 8, 1986, respondent employed W [REDACTED] J. M [REDACTED] to work in his premises performing duties as a physician's assistant. Respondent had employed W [REDACTED] J. M [REDACTED] upon the recommendation of another physician upon whom respondent relied. Respondent conducted a cursory oral examination of Mr. M [REDACTED], was satisfied with his

responses, and hired him, accordingly. Respondent at no time checked the records of the Board of Medical Quality Assurance, or the Allied Health Division, or any the licensing agencies having jurisdiction of health care professionals in California. During the time Mar was with respondent, respondent exercised little supervision over him, although respondent maintained a very heavy practice, employing many ancillary personnel. There was no substantial system of review in place.

VII

During the time that Mar was employed in respondent's office many of the records relating to patients seen by Mar were missing, poorly documented, and not signed.

VIII

At all times herein mentioned, respondent had knowledge of the requirements pertaining to physician's assistants, had had considerable administrative experience, and basically may fairly be characterized as an astute man.

IX

As a consequence of the matters set forth in the preceding findings, the record clearly and convincingly establishes the truth of the following findings:

- A. On September 4, 1985, respondent permitted [REDACTED] M [REDACTED], an unlicensed person, to treat patient D [REDACTED] H. This patient presented with an actual case of diabetic ketoacidosis with severe abdominal pain. Mr. M [REDACTED] performed an examination, took or ordered CBC, urinalysis, ordered an injection of Tigen, and dispensed to her a six-day supply of compazine, levsin, dilauidid, and ordered her to return in seven days and signed a work excuse for the patient. Mr. M [REDACTED]'s treatment was incompetent and grossly negligent in that he failed to recognize glycosuria in the urine. The patient's condition worsened, requiring emergency admission to a hospital the following day. Respondent failed to obtain back-up coverage by a licensed physician during periods of vacation or absence from his office.
- B. On June 12, 1986, respondent permitted B [REDACTED] M [REDACTED], an unlicensed person, to examine, diagnose and take the blood pressure of patient K [REDACTED] S [REDACTED]. On July 8, 1986, patient K [REDACTED] S [REDACTED] returned, complaining of vomiting and diarrhea. Respondent permitted, M [REDACTED]

to examine the patient, indicate that X-rays should be taken, and evaluate the patient's ears, mouth, stomach, and lower abdomen, as well as ordering white blood cell count. Mr. M● diagnosed the patient as anemic with inflammation of colon or stomach, and discussed further tests or treatment, and provided her with a home-hemocult II slide kit. Mr. M●'s diagnosis of anemia and hemoglobin were, in fact, incompetent, in that the hemoglobin count of 8.1 was inaccurate, as was the hematocrit of 37.7, which, if true, would have indicated an extreme medical emergency.

XI

Respondent failed to establish by a preponderance of the evidence that the two undercover agents of the Board employed in the investigation of the above matter exercised any undue persuasion or coercion upon him, and it is fairly inferable that there was not, as a matter of fact, any entrapment of respondent during the course of the investigation of this case.

XII

All allegations contained in the Accusation upon which no specific findings have been made above, have not been proved.

* * * * *

DETERMINATION OF ISSUES

I

Respondent has failed to establish a defense of entrapment.

II

Respondent's license is subject to discipline pursuant to Section 2271 of the Business and Professions Code by reason of the false and misleading advertising permitted by respondent as described above.

III

Respondent's certificate and registration as a physician's assistant supervisor is subject to discipline pursuant to Sections 2234 and 2265 of the Business and Professions Code by reason of respondent's employment and permitting of unlicensed persons to engage in the practice of medicine in treating the sick or afflicted as described above.

* * * * *

ORDER

I

Physician's Assistant No. SA013129, heretofore issued to respondent as approval as a supervisor of physician's assistants is hereby revoked.

II

Physician's and Surgeon's certificate No. A031453, heretofore issued to respondent Hameed A. Khan, M.D. is hereby revoked, provided, however, said order of revocation is hereby stayed for a period of three (3) years and respondent is placed upon probation for a like period of time, upon the following terms and conditions.

1. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.
2. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
3. Respondent shall comply with the Division's probation surveillance program.
4. Within 30 days of the effective date of this decision, respondent shall submit to the Division for its approval a plan of practice in which respondent is monitored by another physician in respondent's field of practice as to the following:
 - a. His maintenance of patient records;
 - b. His employment and supervision of professional and ancillary personnel. The monitor shall provide periodic reports to the Division.

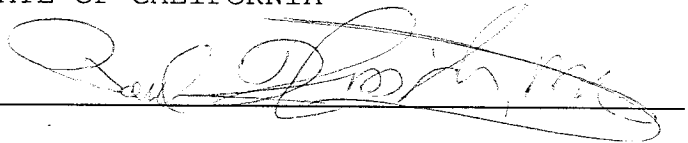
If the monitor resigns or is no longer available, respondent shall, within 15 days, move to have a new monitor appointed, through nomination by respondent and approval by the Division.

5. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.
6. The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, respondent is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.
7. Upon successful completion of probation, respondent's certificate will be fully restored.
8. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

Dated: Oct 27 1970

MEDICAL QUALITY REVIEW COMMITTEE,
ELEVENTH DISTRICT
MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA

By



PMH:mh

1 JOHN K. VAN DE KAMP, Attorney General
 of the State of California
 2 STEPHEN A. MILLS,
 Deputy Attorney General
 3 3580 Wilshire Boulevard, Suite 800
 Los Angeles, California 90010
 4 Telephone: (213) 736-2037
 5 Attorneys for Complainant

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 8 BEFORE THE
 DIVISION OF MEDICAL QUALITY
 9 BOARD OF MEDICAL QUALITY ASSURANCE
 DEPARTMENT OF CONSUMER AFFAIRS
 10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) NO. D-3957
 12 Against:)
) ACCUSATION
 13)
 HAMEED A. KHAN, M. D.)
 14 3500 West Lomita Blvd., #101)
 Torrance, California 90505)
 15 Physician's and Surgeon's)
 Certificate No. A0 31453,)
 16)
 Approval as a Supervisor of)
 17 Physician Assistant No. SA 013129,)
)
 18 Respondent.)
)

19
 20 Complainant, Kenneth J. Wagstaff, alleges:

21 1. He is the Executive Director of the Board of Medical
 22 Quality Assurance, Department of Consumer Affairs, State of
 23 California, who makes and brings the within charges in his
 24 official capacity and not otherwise.

25 2. On or about August 22, 1977, physician's and
 26 surgeon's certificate no. A031453 was issued to Hameed A. Khan,
 27 M.D. (respondent herein). Said certificate was in full force and

1 effect at all times relevant hereto and is in current status. On
2 or about September 28, 1982, respondent was issued approval
3 supervisor of physician assistant no. SA 013129.

4 3. Section 2220 of the Business and Professions Code
5 (the "code") provides, in part, that the Division of Medical
6 Quality may take action against all persons guilty of violating
7 the provisions of this (chapter 5, Division 2) chapter. The
8 division shall enforce and administer the provisions of this
9 article as to physician and surgeon certificate holders, and the
10 Division shall have all the powers granted in this chapter for
11 these purposes.

12 4. Section 2234 of the code provides, in part, that the
13 Division of Medical Quality shall take action against any
14 licensee who is charged with unprofessional conduct.

15 5. Section 2264 of the code provides that the employing,
16 directly or indirectly, the aiding, or the abetting of any
17 unlicensed person or any suspended, revoked, or unlicensed
18 practitioner to engage in the practice of medicine or any other
19 mode of treating the sick or afflicted which requires a license
20 to practice constitutes unprofessional conduct.

21 6. Section 2271 of the code provides that any
22 advertising in violation of section 17500, relating to false or
23 misleading advertising, constitutes unprofessional conduct.

24 7. Respondent's certificate as a physician and surgeon
25 and approval as a supervisor of physician assistants are subject
26 to disciplinary action pursuant to sections 2220 and 2234 of the
27 code in that he has violated section 2271 of the code, as alleged

1 more particularly herein:

2 Between September 14, 1985 and July 8, 1986, the door
3 to respondent's office, Suite 101, 3500 W. Lomita
4 Boulevard, Torrance, California, listed and advertised
5 "A. K., M.D." as a medical doctor, and listed and
6 advertised "W. J. M., P.A.-- C." as a physician's
7 assistant, certified. This advertising was false in that
8 A. K. was not licensed as a medical doctor, and
9 W. J. M. was not a certified physician's assistant.

10 8. Respondent's certificate as a physician and surgeon
11 and approval as a supervisor of physician assistants are subject
12 to disciplinary action pursuant to sections 2220 and 2234 of the
13 code for violating section 2264, in that respondent employed,
14 aided, and abetted unlicensed persons to engage in the practice
15 of medicine or other modes of treating the sick or afflicted
16 requiring a license to practice, in the following particulars^{1/}:

17 Patient C. B.

18 A. On or about May 16, 1986, respondent permitted and
19 aided A. K., an unlicensed person, to examine and
20 evaluate patient C. B. Respondent entrusted A. K.
21 to take the patient's history, perform the medical
22 examination, order lab tests, evaluate the patient's
23 abdomen, make a diagnosis, and notify the patient that
24 Donnatal would be prescribed.

25
26
27 1. All of the alleged incidents occurred within the
premises of respondent's offices at 3500 W. Lomita Boulevard,
Suite 101, Torrance, California.

1 B. During 1985 and 1986, respondent employed
2 A [REDACTED] K [REDACTED], an unlicensed person, who made physical
3 examinations, inspections, and evaluations, on numerous
4 patients.

5 Patient K. S [REDACTED]

6 C. On or about June 12, 1986, respondent permitted,
7 aided, and abetted B [REDACTED] M [REDACTED], an unlicensed person, to
8 examine, diagnose, and take the blood pressure of patient
9 K. S [REDACTED].

10 D. On or about July 8, 1986, patient K. S [REDACTED]
11 returned, complaining of vomiting and diarrhea. Respondent
12 permitted, aided, and abetted B [REDACTED] M [REDACTED], an unlicensed
13 person, to examine the patient, indicate that
14 x-rays should be taken, and evaluate the patient's ears,
15 mouth, stomach, and lower abdomen, as well as ordering
16 white blood cell count. Mr. M [REDACTED] diagnosed the patient as
17 anemic with inflammation of colon or stomach, and discussed
18 further: tests or treatment, and provided her with a home-
19 hemoccult II slide kit. Mr. M [REDACTED]'s diagnosis of anemia and
20 hemoglobin were, in fact, incompetent, in that the
21 hemoglobin count of 8.1 was inaccurate, as was the
22 hematocrit of 37.7, which, if true, would have indicated an
23 extreme medical emergency.

24 Patient D [REDACTED] H.

25 E. On or about September 4, 1985, respondent
26 permitted, aided, and abetted J [REDACTED] M [REDACTED], an unlicensed
27 person, to pose as respondent Dr. K [REDACTED] in treating patient

1 D H. This patient presented with an actual case of
2 diabetic ketoacidosis with severe abdominal pain. Mr. M
3 performed an examination, took or ordered CBC, urinalysis,
4 ordered an injection of Tigen, and dispensed to her a six-
5 day supply of compazine, levsin, dolodid (sic), and ordered
6 her to return in seven days and signed a work excuse for
7 the patient. Mr. M's treatment was incompetent and
8 grossly negligent in that he failed to recognize glycosuria
9 in the urine. The patient's condition worsened, requiring
10 emergency admission to a hospital the following day.
11 Respondent failed to obtain back-up coverage by a licensed
12 physician during periods of vacation or absence from his
13 office.

14 WHEREFORE, complainant prays that a hearing be held, and
15 that following such hearing, a decision be issued:

16 1. Suspending or revoking physician's and surgeon's
17 certificate no. A031453, issued to respondent
18 Hameed A. Khan, M.D.

19 2. Suspending or revoking approval as a supervisor of
20 physician assistant's no. SA 013129, issued to respondent
21 Hameed A. Khan, M.D.

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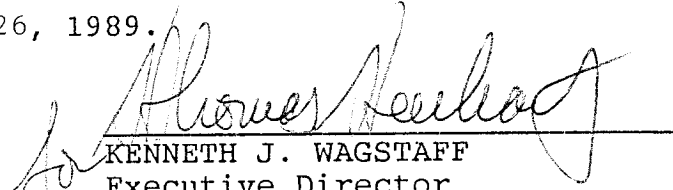
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27

1 3. Taking such other action as may be proper.

2 DATED: April 26, 1989.

3 *for* 
4 KENNETH J. WAGSTAFF
5 Executive Director
6 Board of Medical Quality Assurance
7 Department of Consumer Affairs
8 State of California

9 Complainant
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